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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,427	02/19/2000	John Marks	10991105-1	1388

22879 7590 07/02/2003

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EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/507,427

Applicant(s)

MARKS ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 19-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed 4/21/2003.
2. Claims 1-17, and 19-21 have been examined and are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8-9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hao U.S Patent No. 5,844,553.

As to claim 8, Hao discloses transmitting events to be shared from the local application (113 to 112, Fig. 2), a local application sharing logic configured to receive the events (input events going from 112 to 115, Fig. 2), generate echo events (private events, line 52 column 6), insert the echo events with the events to be shared (lines 51-58 column 6) and transmit them (input events going to 122, Fig. 2) to a remote application (122, Fig. 2).

As to claim 9, Hao further discloses the local application sharing logic receives the echo events and pace the transmission the events in accordance with an echo delay (analyzing the captured input events...to the target application, lines 65-67 column 6).

As to claims 1 and 15, note the discussion of claim 8 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hao in view of Stumm U.S Patent No. 5,768,528.

As to claim 10, Hao does not explicitly teach transmitting event at predetermined interval. Stumm discloses a client and server system in which information is transmitted at predetermined interval (providers transmit desired data to their targeted customers at predetermined interval lines 44-45 column 1). It would have been obvious to apply the teachings of Stumm to the system of Hao because this allows the intended information to be received at the right time as disclosed by Stumm (lines 35-41 column 1). Hao as modified by Stumm would have a local application transfer event to a remote application at predetermined interval.

As to claim 2, note the discussion of claim 10 above.

As to claim 3, Hao as modified further teaches receiving echo events (going from 115 to 122, Fig. 2); transmitting echo events to the remote application (123, Fig. 2).

As to claim 16, note the discussion of claim 10 above.

5. Claims 4-7, 11-14, 17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hao in view of Othmer U.S Patent No. 6,167,358.

As to claim 11, Hao does not explicitly teach the delay comprises a different between the receive time and transmit time. Othmer teaches a server monitor the performance of clients processing (generate statistics about the frequency of each problem, lines 43-65 column 2). It would have been obvious to apply the teachings of Othmer to the system of Hao because this allows the server to detect defects of client processes as disclosed by Othmer, lines 30-42 column 2).

As to claim 12, Othmer further discloses generating a warning message (accumulated information, lines 46 column 2).

As to claim 13, Othmer further discloses forwarding the warning message to the local application (transfer the accumulated information back to server, lines 46 column 2).

As to claim 14, Hao as modified further discloses a meter (116 and 117, Fig. 2).

As to claims 4-6, note the discussions of claims 11-12 and 14 above, respectively.

As to claim 7, Hao as modified further discloses utilizing color to indicate status (GUI, line 49 column 4).

As to claim 17, note the discussion of claim 11 above.

As to claim 19, note the discussions of claims 12-13 above.

As to claim 20, note the discussion of claim 14 above.

As to claim 21, note the discussion of claim 7 above.

Response to Arguments

6. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argued that Hao reference does not teach, "pace the transmission...echo event transmit time", "transmit said events...echo events to a remote application", and "means for pacing...from said echo events" (Remarks, last paragraphs of pages 9-11). In response, the applicant argued limitations that are not claimed before. However, these limitations are still met by cited reference as disclosed in the claim rejections above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents
P.O Box 1450
Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH
June 30, 2003



JOHN FOLLANSBEE
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